SCHOOL EDUCATION (MINISTERIAL POWERS AND INDEPENDENT SCHOOLS) (SCOTLAND) BILL

POLICY MEMORANDUM

INTRODUCTION

1. This document relates to the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill introduced in the Scottish Parliament on 29 March 2004. It has been prepared by the Scottish Executive to satisfy Rule 9.3.3(c) of the Parliament’s Standing Orders. The contents are entirely the responsibility of the Scottish Executive and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 22–EN.

POLICY OBJECTIVES OF THE BILL – AN OVERVIEW

2. The objective of the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill is to give the Scottish Ministers proportionate powers that will assist them to meet their statutory duty to endeavour to secure improvement in the quality of school education which is provided for Scotland. These measures assist in meeting the Scottish Executive’s overall commitment to secure the highest standards for every child, and to ensure that no child’s education suffers as a result of inaction on the part of any school, education authority or the Executive itself.

3. The statutory duty on the Scottish Ministers to endeavour to secure improvement in school education is set out in section 3(1) of the Standards in Scotland’s Schools etc. Act 2000 (the “2000 Act”). The 2000 Act sets out a framework for ensuring continuous improvement and raising standards in school education in Scotland. This improvement framework is one that education authorities and their schools are now embedding into their planning and reporting systems. However, there is a recognition that the framework is not quite complete. The aim of Part 1 of this Bill is to complete the framework through the introduction of new powers for the Scottish Ministers that will ensure that appropriate action is taken to secure improvement after Her Majesty’s Inspectorate of Education (HMIE) inspections.

4. The duty on the Scottish Ministers to secure improvement covers all school education, and Part 2 of the Bill amends the existing legislative provisions for independent schools. The statutory provisions for independent schools are contained in Part V of the Education (Scotland) Act 1980 (the “1980 Act”). They cover the process of registration and the procedures for addressing concerns about children’s education or welfare at these schools. The objective of Part 2 of the Bill is to update these provisions to ensure that they apply consistently across the
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5. The provisions of the Bill all amend existing legislation relating to the provision of education. As such, they make amendments to the 1980 Act and the 2000 Act. This reflects the objective of the Bill to build on the existing systems in place to deliver improvement. Therefore, the provisions fully integrate into the frameworks with which education providers are already familiar.

CONSULTATION

6. The Scottish Executive held initial discussions about the scope and content of this Bill with the key stakeholder groups over the summer of 2003. Meetings were held with representatives from Association of Directors of Education (ADES), CoSLA, Scottish Council for Independent Schools (SCIS) and HMIE. A workshop to discuss and raise awareness of the Bill’s proposals with young people took place in association with Young Scot, Youthlink Scotland and the Scottish Youth Parliament in September 2003. Discussions continued over the consultation period and a meeting was held to discuss the proposals with sheriff principals. Visits were also made to three independent schools to gain a better understanding of the impact of current requirements and to discuss possible financial implications.

7. Ensuring Improvement in Our Schools: A consultation paper and draft Bill was published on 6 November 2003.¹ Over 3400 copies of the consultation paper were distributed to every school in Scotland, Scottish education authorities, public bodies, education organisations, equality organisations and youth organisations. Further copies were distributed on request and the document was made available on the Scottish Executive and Young Scot websites. Additional questions were posted on the Young Scot and the Junior Exec website. The consultation period ran for 12 weeks, closing on 30 January 2004. Late responses were accepted and in total 49 responses were received.

8. The majority of respondents agreed with the proposals to mirror the provisions in the Local Government in Scotland Act 2003 (the “2003 Act”) as the procedure for implementing the new ministerial powers in Part 1 of the Bill, and that these powers should be used only after a reference by HMIE. However, for the main part, education authorities and their representatives did not accept the principle that there was a need for the new ministerial powers. Some argued it was not necessary because there was no evidence that education authorities were not meeting HMIE recommendation, while others felt that there was already were sufficient powers within existing legislation. The Scottish Ministers have considered these points but remain satisfied that although these powers may be used infrequently, they are required, and that existing legislation would not allow them to act if an education authority did not take satisfactory action to secure improvement after HMIE inspections. The reasons behind this decision are discussed in more detail in the next section.

9. The majority of respondents did not agree with the assumption made within the consultation paper that the proposals were cost-neutral. Most identified the costs of

¹ Ensuring Improvement in our Schools: A consultation paper and draft Bill, Scottish Executive, November 2003 – http://www.scotland.gov.uk/ensuringimprovement
implementing any direction made by the Scottish Ministers, while other felt that there would be costs involved in administering the process. As a result, administrative costs have been associated with this Bill and are detailed in the Financial Memorandum. Implementation costs have not been included because the provisions do not impose any new standards on education authorities or grant-aided schools, but seek to ensure that the existing standards are met. To reach these standards, it is considered that adequate funding is already available.

10. Responses to the proposals for grant-aided and independent schools were supportive. A further meeting has been held with SCIS to discuss the concerns they raised, in particular the intention behind taking a new ministerial power to set conditions on an independent school. It was agreed that the intended use of these powers as a proportionate measure would be made clear in this document and that examples of how they may be used would be given (see paragraphs 33 and 40). Clarification has also been given in the Explanatory Notes.

11. An analysis of the responses will be published on the Scottish Executive website on 30 March 2004 and hard copies with a letter outlining the next steps for the Bill are being sent to every respondent.

PART 1 – POWER OF SCOTTISH MINISTERS TO REQUIRE ACTION BY SCHOOLS AND EDUCATION AUTHORITIES

Policy objectives

12. The 2000 Act sets out an improvement framework for education authorities and their schools. It placed new responsibilities on education authorities, gave new powers to HMIE to inspect authorities, and introduced a new duty on the Scottish Ministers to endeavour to secure improvement in school education provided in Scotland with a view to raising standards. At the time of the 2000 Act, Ministers were not given any specific powers to secure improvement where authorities had not taken sufficient steps to do so.

13. The Bill provides the Scottish Ministers with additional proportionate powers which will work with the existing framework. Under section 66 of the 1980 Act and section 10 of the 2000 Act, if Ministers have concerns about a particular school or authority, they may request HMIE to inspect that school or authority. Under section 70 of the 1980 Act, the Scottish Ministers have a power that allows them to act if they are satisfied that an education authority, a School Board, or the managers of a school or educational establishment, are in breach of a statutory duty with regard to the provision of education. In such circumstances, Ministers can make an order declaring them to be in default of that duty and requiring them to discharge the duty by a specified date. If the duty is not discharged by that date, Ministers can make any arrangements they think fit to ensure that the duty is carried out. Alternatively, the Court of Session may, on the application of the Lord Advocate, order specific performance of the duty.

14. However, at present, there is no power either for HMIE or Ministers to ensure that an authority or manager of a grant-aided school implements recommendations made by HMIE in their inspection reports. Section 70 is only relevant if there is a specific breach of a statutory

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2 Ensuring Improvement in our Schools: Analysis of Consultation Responses, Scottish Executive, March 2003 – http://www.scotland.gov.uk/00019150
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duty. Part 1 of the Bill seeks to give Ministers power to act in circumstances in which an authority or manager does not take satisfactory action to secure improvement after an HMIE report. While such circumstances are considered likely to be rare, Ministers need such powers in order that they can meet their duty to secure improvement if required.

15. From March to June 2002, the Scottish Executive conducted the National Debate on Education. It was intended as an inclusive dialogue with pupils, parents, teachers, employers and everyone else with an interest in the future of school education. Participants were encouraged to discuss what they thought was important for the future of school-age education, and what action needed to be taken to make their vision a reality. Over 20,000 people participated and the summary report on the key themes that emerged was published on 9 October 2002.3

16. The Scottish Executive published its response to the National Debate on 29 January 2003.4 It listed as one of its key priorities the need to strengthen the role of inspection and consider what additional powers may be required to ensure that underperformance is tackled. The importance placed on this by Ministers was reflected in the commitment in the partnership agreement, A Partnership for a Better Scotland: Partnership Agreement, published on 16 May 2003. It states:

“that where the established steps of inspection, professional support and development do not secure the improvements identified for the local authority, Ministerial powers will be extended. These powers will be used as a last resort, and on the recommendations of the Inspectorate, to ensure that the action identified by the Inspectorate as necessary is taken by the local authority.”

On 28 May 2003, the First Minister announced that the legislation required to meet this commitment would be introduced in the first year of the new Parliamentary session.

17. The commitment in the partnership agreement makes clear that these powers are not ones that are expected to be used frequently. In general, authorities and schools respond positively to HMIE recommendations through the good working relationships that have developed between HMIE and education providers. The use of the powers is restricted in the Bill to circumstances where HMIE have identified areas where improvement is required, satisfactory steps have not been taken and where HMIE feel that ministerial intervention is therefore necessary.

18. Under Part 1 of this Bill it is the authority or, in the case of grant-aided schools, their managers that will take the actions directed by the Scottish Ministers. The provisions do not allow for Ministers themselves to take the required action, but leaves the responsibility to make change, and the accountability for it, with the authority or the manager of the grant-aided school.

19. Recent legislation aimed at securing improvement in local government and health gave Ministers additional powers to direct local authorities to take action in certain circumstances. It is important that any new ministerial powers work with existing powers to avoid duplication or

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confusion. As a result, the provisions proposed parallel those introduced in the 2003 Act for best value and community planning. The similarity between these powers will ensure that the two pieces of legislation can work alongside each other, demonstrating a consistent approach towards local authorities on the part of Ministers. While the powers under the 2003 Act may be triggered by reports from the Audit Commission, the powers proposed in this Bill will be triggered by a reference from HMIE.

20. The preliminary notice provisions which are similar to those in the 2003 Act are the formal opportunity for authorities or the managers of grant-aided schools to explain their position to the Scottish Ministers before the power to issue a direction is used. It is their chance to explain any broader context and provide Ministers with more information about what action they have actually taken to secure improvement allowing Ministers to decide whether or not to move to the enforcement direction stage. If a direction is served on an authority or managers, Ministers have the power to revoke or vary it without going through the preliminary stage once more. This will allow Ministers to respond to both improving and deteriorating situations.

21. In the 2003 Act there is provision for fast-track powers that does not require an Audit Commission report, allowing Ministers to act very quickly if necessary to protect the public interest from substantial harm. There are no equivalent provisions in this Bill because if Ministers became aware of a concern from another source about education provision they would wish to seek the advice of HMIE before taking any action.

**Alternative approaches**

*Replicate the system of intervention in England and Wales*

22. The Education Act 2002 revised the system of intervention in schools causing concern in England and Wales. The Act provided new powers for local education authorities (LEAs) and the Secretary of State, including reserve powers to generate partnership agreements and powers to create Interim Executive Boards. It also introduced a range of measures designed to ensure that fewer schools are placed in special measures following inspections and to ensure that those that are recover more quickly. The new powers allow the Secretary of State to direct a variety of solutions to inadequate performance.

23. Specifically, these measures:

- enable the Secretary of State to appoint additional governors or direct the closure of a school;
- allow LEAs or the Secretary of State to replace the governing body of a school with an Interim Executive Board in cases where a governing body obstructs rather than contributes to progress;
- introduce a new power for the Secretary of State to direct an LEA to contract with a partner to provide consultancy advice to a school. The range of possible partners is wide – it could be another school, another LEA or another public, voluntary or private sector body;
- allow LEAs to consider the use of their intervention powers at an earlier stage.
24. The Executive does not propose to implement this range of powers in Scotland as the
governance arrangements in schools are different and education authorities play a more central
role in education provision. Under section 70 of the 1980 Act, the Scottish Ministers already
have powers of direction where an education authority is not meeting its statutory duty. This Bill
gives the Scottish Ministers powers to ensure that education authorities are taking action towards
improvement where it is required. It is considered that education authorities should remain
responsible for securing improvement in schools.

Seek similar powers as those sought for health under the NHS Reform (Scotland) Bill

25. The Executive is currently seeking to extend ministerial powers of intervention in NHS
bodies. The Scottish Ministers currently have powers for intervening in the NHS, including the
power to issue directions to a Health Board in relation to the performance of their functions.
They also have power to declare a Health Board to be in default of its duties and to remove the
members from office following an inquiry. In the NHS Reform (Scotland) Bill, introduced in the
Scottish Parliament on 26 June 2003, the Executive proposes to extend ministerial powers
further, since the existing powers may not be effective in enabling swift and targeted intervention
in cases where a service is in severe difficulties and the Board is not able, or not willing, to
resolve these at its own hand.

26. The Executive has therefore proposed a power that will allow Ministers to transfer, by
direction, responsibility for providing a specified service from a Health Board to another health
body or person with the appropriate skills and expertise. These powers would only be used as a
last resort when Ministers consider that the body responsible under the National Health Service
(Scotland) Act 1978 for providing that service has failed, is failing or is likely to fail to provide
the service, or provide it to a standard that the Scottish Ministers regard as acceptable.

27. In education, the Executive believes that an extension to the ministerial power to direct is
not needed. The new health power fits into an existing, escalating system of intervention and
improvement in the NHS. The proposals in education fit into the improvement framework set out
for education in the 2000 Act. Both systems are in place to ensure that improvement is made in
the respective services, and recognise that the new powers are ones of ‘last resort’. The
Executive is looking for proportionate and relevant powers relating to education, and does not
seek powers to allow Ministers to transfer the responsibility for providing education to any other
body than the education authority or the managers of a grant-aided school. The power to direct is
sufficient to complete the existing framework for improvement in education.

PART 2 – INDEPENDENT SCHOOLS

Policy objectives

28. The aim of Part 2 of the Bill is to amend and update the legislation governing
independent schools to ensure that pupils in these schools receive efficient and suitable education
and have their welfare adequately protected. All independent schools must be registered with the
Registrar for Independent Schools and are subject to inspection by HMIE. Any boarding
facilities in independent special schools are also subject to regulation and inspection by the Care
Commission, with those facilities in other independent schools due to be subject to regulation
and inspection by the Care Commission from 2005.
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29. The Bill proposes a revision of the legislation governing independent schools for a number of reasons. First, many of the provisions in the 1980 Act date from the early part of the 20th century and no longer reflect expectations of a modern school. In particular, they do not allow for quick action to be taken by Ministers, where necessary, to address child welfare concerns. Second, the appeal process lacks clarity and the constitution of the Independent Schools Tribunal has met with criticism. Third, the current minimum number of pupils required to constitute an independent school has caused practical difficulties. The aim of this part of the Bill, therefore, is to provide up to date, consistent, ECHR compliant and effective legislation in the interest of pupils.

Meaning of “independent school”

30. The Bill extends the definition of an independent school. Presently, the definition only covers establishments with five or more pupils. Those providing full time education for fewer than five school age children have recently come under the regulation of the Care Commission as a result of the Regulation of Care (Scotland) Act 2001. The introduction of the new regulatory system creates a challenge for schools with rolls fluctuating around the five pupil mark. These establishments face the prospect of having to go through unnecessary registration, de-registration and re-registration procedures under both systems as their numbers fall and rise. It is also anomalous that establishments providing the same service should have different regulatory requirements. The new definition only covers schools and is not intended to apply to parents who choose to educate their children at home.

31. By extending the definition of an independent school, the pupils in all these establishments will be protected to the same standards regardless of the number of pupils. Care Commission inspections have a focus on care and welfare, with integrated inspections carried out with HMIE to cover education. The role of HMIE in these inspections is the same as that for after school clubs and pre-school, which is not felt to be appropriate for establishments essentially operating as schools. The proposed change would create parity between “schools” providing education for five or more pupils, and those providing education for fewer than five pupils. The Executive believes that it is crucial that equality of standards for these establishments is secured, as one child is as important as another. The system of regulation for independent schools covers the care and welfare of children, as well as providing full HMIE inspections equivalent to that provided for education authority and grant-aided schools.

Registration

32. The provisions within the Bill aim to tighten up the registration procedures for independent schools. The concept of provisional registration is being removed. At the moment, there is no limit to the time that schools can remain provisionally registered as a consequence of never receiving a satisfactory HMIE report. Indeed, parents and others may often not realise that a school is only provisionally registered. In its place, schools will be required to provide more information before opening and Ministers will be able to set conditions on opening.

33. The Scottish Executive recognises that it would be unreasonable to expect a new school seeking registration to be able to provide complete information at the time of an initial application. Therefore, a new power is proposed that will allow the Scottish Ministers to grant registration subject to identified conditions. For example, at the time of applying for registration, a proprietor may not have completed the formalities of employing all the teachers. The power
will allow the Scottish Ministers to register the school with the condition that before it opens, any remaining necessary evidence is provided to allow Ministers to be satisfied as to the propriety of all teachers, for example, evidence that the necessary Disclosure Scotland checks have been carried out. To allow Ministers to take account of improving or deteriorating situations, it is also proposed that they are given the power to vary or revoke any condition set for a school.

34. The Bill therefore retains the power for the Scottish Ministers to make regulations stipulating the information that is required to be provided by prospective proprietors. The present regulations date from 1957 and give the Registrar the power to request only very limited information. To allow for the relevant information to be gathered to allow the Scottish Ministers to reach a decision regarding registration, it is intended that these regulations are revised. Initial consultation on what sort of information should be required has already begun.

35. The Bill proposes to give the Scottish Ministers a new power to define by regulations the categories of people that would not be considered proper persons to be teachers or proprietors. There have been discussions with the independent sector about the possibility at a future date of requiring that all teachers in independent schools be registered with the General Teaching Council for Scotland. This power would allow such a requirement to be introduced.

36. The Bill also extends the reasons for denying registration. While a notice of complaint can be served by the Scottish Ministers on the grounds that efficient and suitable instruction is not being provided or the welfare of the children is not being safeguarded or promoted, there are currently no powers to refuse registration for the same reasons. The grounds have therefore been extended to allow for consistency between the registration and the notice of complaint procedures. They ensure that no school can begin to teach pupils if it cannot provide adequate evidence that the necessary resources are available to ensure that efficient and suitable instruction will be provided and that adequate policies will be put in place to ensure the welfare of pupils.

37. The Scottish Ministers have been given the power to direct the Registrar to remove a school from the register if it is clear that the school is no longer operating. This is felt necessary as a result of a recent situation where it was clear that a school had stopped operating but because the Registrar had received no formal notification of its closure from the proprietor, it could not be removed from the register.

Regulation

38. In order to ensure that the Scottish Ministers can act quickly if necessary to address any child welfare concerns in a school, the notice of complaint procedure is strengthened. The notice of complaint procedure allows Ministers to deal with areas of concern or requiring improvement in independent schools. Currently, if a notice of complaint is served, the school has a minimum of six months to remedy or prevent a recurrence of the matter causing concern. The Scottish Executive believes that there may be circumstances where this minimum period is inappropriate, for example if the issue can be easily rectified, or should be rectified more quickly. Therefore, provision has been made for the Scottish Ministers to specify time-limits appropriate to each notice.
39. The Bill introduces three new options for the Scottish Ministers to act in this area. One, in extreme cases, for example where there is considered to be the need for urgent action, the Scottish Ministers can act without first serving a notice of complaint. Two, Ministers may also issue an order without waiting for an appeal to be determined where a notice have been served but they are satisfied that there is a serious risk of harm to a pupil at the school.

40. Third, when dealing with the complaints, the power to impose conditions will allow the Scottish Ministers an alternative option to issuing a notice of complaint or closing a school. An example would be if a particular annex of a building had been deemed unsafe during an inspection by the fire service. Rather than serve a notice of complaint on the school on the grounds that the premises are not suitable, the school could be allowed to continue operating on the condition the annex is not used until such time as the appropriate safety standards have been met. Conditions may also be used as an alternative to disqualification or removal from the register. The introduction of these powers is intended to allow the Scottish Ministers to give a proportionate response to any area of concern within a school.

Appeals

41. The Bill proposes significant changes to the system of appeals open to the proprietors and teachers of independent schools. Currently, appeals go before the Independent Schools Tribunal. This tribunal was highlighted in Public Bodies: Proposals for Change as one whose functions should be reviewed with the possibility of transferring their functions to the courts when a legislative opportunity arose. The Tribunal comprises of a sheriff principal and two lay members. However this composition has been criticised because the two lay members are appointed by the Scottish Ministers. Furthermore, while it was anticipated that the Tribunal might build up expertise in the area, it has met so rarely (last in 1977) that it has not been able to do so. From 1 September 2003, England transferred the appeal functions to the Protection of Children and Vulnerable Adults Care Standards Tribunal. The proposal for Scotland is to allow appeals against decisions of the Scottish Ministers to the sheriff principal.

42. At present, both the Scottish Ministers and the Tribunal may make disqualification orders or orders removing a school from the Register. There is no appeal available where Ministers make such orders, although if the matter is dealt with by the Tribunal, there is a provision for a reference to the Court of Session by way of a stated case on a point of law. It is proposed that these orders will only be made by the Scottish Ministers with an appeal available to the sheriff principal, who will be able to consider the full circumstances of the case. A further appeal is available to the Court of Session on a point of law only. The provisions proposed ensure that any decision made by the Scottish Ministers can be appealed by the proprietor of the school, or in the case of a decision to disqualify a teacher, by the teacher, to the sheriff principal.

Supplementary

43. The Bill retains the use of the word “proprietor” for the person legally responsible for the running of an independent school. This is defined in the 1980 Act as the manager of an independent school. However, it is recognised that there are very few independent schools that are still run by individuals. The Bill, therefore, makes provision for proprietors that are not

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individuals but are bodies corporate, partnerships or unincorporated associations. It is essential that the same safeguards are in place for these proprietors as for individuals. The Bill seeks to ensure that Ministers can look at all the individuals involved in the running of the school when considering whether the “proprietor” is a proper person.

Alternative approaches

Replicate provisions under Part 1 for independent schools

44. Consideration was given to mirroring the new provisions in part 1 of the Bill by allowing for a preliminary notice and enforcement direction to be served on the proprietors of an independent school. However, given the existing registration system and notice of complaint system, it was considered more appropriate to build on that existing system.

Replicate provisions for independent schools in England and Wales

45. A further alternative was considered that would take an approach similar to that in England where regulations prescribe in detail the standards required of independent schools. To a significant degree, this reflects the more highly regulated nature of education provision in England, and was not deemed appropriate in the Scottish setting.

EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT ETC.

Equal opportunities

46. The Bill does not have an adverse impact on the basis of gender, race, disability, marital status, religion or sexual orientation. The powers in both Parts of the Bill would allow Ministers to act if HMIE identified in the course of an inspection any action that was required to be taken by schools or education authorities to ensure equal opportunities and that appropriate action was taken.

Human rights

47. In considering whether the provisions of the Bill are compatible with the Convention rights (that is, those provisions in the European Convention on Human Rights (“the Convention”) which constitute “the Convention rights” within the meaning of the Scotland Act and the Human Rights Act 1998), it will be noted that the Bill does make provision (at section 4(2) which inserts a new section 98B into the 1980 Act) to the effect that where Scottish Ministers refuse an application for registration they can in specified circumstances make an order disqualifying a proprietor from being proprietor of an independent school, or disqualifying the proposed teacher from being a teacher in any school. A disqualification order, involving a clear interference with an individual’s working life, might also involve an interference with an individual’s private life, raising the possibility of Article 8 of the Convention applying. However, disqualification could be ordered only in limited circumstances and, in balancing the right to respect for family life with the need to protect the rights and freedoms of others, it is considered that Article 8(2) provides sufficient justification for any interference with an individual’s private life.
48. There is also provision in the Bill (in section 4(1) which inserts new provisions into section 98 of the 1980 Act) to the effect that an order imposing a disqualification is to be recorded in a register, which is to be available for public inspection. In considering whether that raises an Article 8 issue, in relation to the right for respect for a person’s private and family life, his home and his correspondence, it should be noted that the actual information which would be provided is very brief, with no details of the nature and circumstances of the disqualification itself being included. The provisions are considered to achieve a fair balance between the rights of the individual and the community as a whole.

49. Finally, it will be noted that there is no appeal against an order made by Scottish Ministers to remove a school from the register, where Ministers are satisfied that a registered school is no longer being carried on as such. While an Article 6 issue might be thought to arise in that connection it is considered that existing remedies are reasonable and that a specific right of appeal is not required. It should be noted in particular that a proprietor wishing to resume operations could simply submit, at no cost, a fresh application.

50. In summary, the Convention rights issues arising in relation to the Bill, as set out above, have been carefully considered, and the Scottish Executive believes that the Bill is compatible with the Convention rights.

Island communities

51. The Bill has no disproportionate effect on island communities.

Local government

52. The effects on education authorities are set out in more detail throughout the policy discussion on Part 1 of the Bill in this memorandum. The Bill will have an impact on local government as education authorities may be required to respond to a preliminary notice or to an enforcement direction. These new procedures do not raise any new expectations on authorities, and therefore, as detailed in the Financial Memorandum any costs would relate only to the administration of the new procedures, and not compliance costs.

53. The revision of the legislation governing independent schools and the introduction of ministerial powers to ensure improvement in grant-aided schools provide education authorities with additional safeguards. Many education authorities fund places at these schools and have the reassurance that the standards of education at these schools are open to equivalent levels of scrutiny as their own and will be held to account in a similar manner.

Sustainable development

54. The Bill will have no impact on sustainable development.
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